

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Greg BJORNBERG et al.	
Application No.: 10/613,054	Group Art Unit: 2614
Filed: July 3, 2003	Examiner: Sing, Simon P
Attorney Docket: COS97046C1	
Client Docket: 09710_1187	

For: SYSTEM FOR EXECUTING ADVANCED INTERACTIVE VOICE RESPONSE  
SERVICES USING SERVICE-INDEPENDENT BUILDING BLOCKS

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request a pre-appeal brief review be made of the present application for at the least the following clear errors.

**I. SUMMARY**

The claimed invention provides for a system including a next generation service node (NGSN) interfaced to a telephonic switch network, a reusable set of service-independent building blocks (SIBBs), and customer application files created using a sequence of the SIBBs. To keep the independence of the SIBBs, the system also uses a database of customer specific data. At execution, these data are inputs to the SIBBs and together provide interactive voice response (IVR) services to handle a call.

## II. ISSUE ONE

Whether claims 1-17, 19-22, 25-28, 30-33, 36, and 37 are anticipated by *Sattar et al.* (US 5,243,643) under 35 U.S.C. § 102 (b)?

The claims are not anticipated by *Sattar et al.* because independent claims 1, 8, and 15 require “creating a **customer application file using a customer-specified sequence of said service-independent building blocks** in a server of said telecommunications network, wherein a **set of customer specific data is defined for use as inputs** into said set of service-independent building blocks.”

The Examiner asserts that the “caller interface configuration” of *Sattar et al.* creates a customer application file and that the claimed “customer-specified sequence” is met by “vectors in a server (database), wherein a set of customer-specific data (greeting and passwords) defined for user [sic, use] as inputs into the vectors (column 28, lines 18-60)” (Final Office Action of Aug. 14, 2007 – page 3). The Examiner offers a parenthetical explanation that “(a vector calls another vector, such as Vector PogRecln calling PorecGrt (with input “5”), which call PogrtBr, which calls PogPlay (with input “1”) for recording a new greeting and then playing back the new greeting to a user)” (Final Office Action of Aug. 14, 2007 – pages 2-3).

A user in *Sattar et al.* is permitted to change the branching sequences of vectors (e.g., col. 28, lines 23-24), akin to the claimed “defining a reusable set of service-independent building blocks” and “using a customer-specified sequence of said service-independent building blocks.” However, wherein the vectors in *Sattar et al.* define different routes to be taken, the claimed service-independent building blocks are “common, reusable software modules that are independent of any application” (specification-page 17, lines 1-2). Moreover, *Sattar et al.* does not disclose a separate **customer application file** and a **set of customer specific data** defined for

use as inputs into the set of service-independent building blocks. It appears, from page 2 of the Advisory Action of October 3, 2007, that the Examiner is asserting that the “caller interface configuration” of *Sattar et al.* is the customer application file and that greeting and passwords constitute a set of customer-specific data defined for use as inputs into the vectors, but the disclosure of *Sattar et al.* does not meet the very specific claim limitations. The greeting in *Sattar et al.* is merely one of the “building blocks” that a user can change (see col. 28, lines 24-34) so that, for example, a user may record a new greeting message by pressing the number “5” and this will cause a branch to vector PorecGet. Contrary to the Examiner’s apparent position, the greeting itself is **not a set of customer specific data** defined for use as inputs into the set of service-independent building blocks, or vectors. Rather, it is part of the configuration of the building blocks, or vectors, that may be changed. At best, the number “5” might be considered as an input into the set of vectors, or building blocks, because pressing “5” in this example will cause a branch to a new vector, but, of course, the number “5” is not a **set of customer specific data**. Moreover, the greeting is not a set of customer specific data that is **defined** for use as inputs into a set of service-independent building blocks (SIBB). There are no defined greetings at all, as the user is free to record a new greeting that is not part of any **set** of customer specific data and is not **defined** in any manner as an input to a set of SIBB.

The password, or identification number (ID), merely allows access to a specific subscriber profile record, wherein interface configuration data is stored (see col. 28, lines 58-59). The password is **not a set of customer specific data** defined for use as inputs into the set of service independent building blocks. Instead, the password merely serves as an ID that permits access to a record, wherein interface configuration data is stored. Once access is granted to that record, the user may reconfigure the caller interface, but the password to access the record is

clearly not customer specific data defined for use as **inputs** into the set of service-independent building blocks, or vectors.

Accordingly, since neither the greeting nor the password ID, or anything else, in *Sattar et al.* comprises a **set of customer specific data** defined for use as inputs into the set of service-independent building blocks, as claimed, *Sattar et al.* cannot anticipate claims 1-17, 19-22, 25-28, 30-33, 36, and 37.

In any event, even assuming, *arguendo*, that *Sattar et al.* could be considered to teach both the “customer application file” and “a set of customer-specific data,” as set forth in claims 1 and 8, *Sattar et al.* clearly lacks any teaching of executing the customer application file in accordance with the features of claims 7 and 14, viz., retrieving said customer application file using said application identification number; retrieving said customer specific data file from said advanced network database; and using said set of customer specific data in said customer specific data file as inputs into said sequence of said set of service-independent building blocks.

With regard to claim 7, the Examiner merely states, without further explanation, that “Sattar teaches editing a customer application file (column 28, lines 18-39)” (Office Action of August 14, 2007-page 4). Clearly the Examiner has not presented a *prima facie* case of anticipation since the Examiner has not even addressed the limitations of claim 7, calling for specific steps in executing a customer application file, with those steps using both the customer application file and the customer specific data file. The Examiner’s mere mention of “editing” of a customer application file cannot provide the requisite teaching of the specific execution steps of claim 7.

Regarding independent claims 16, 21, 27, and 32, these claims recite that the reusable, application independent software modules receive customer specific data as inputs and that the customer specific data is stored **as a file** in a database.

To the extent that the Examiner finds user inputs used to change branching sequences in *Sattar et al.* to be “customer specific data,” there is no indication in *Sattar et al.* that such customer specific data is **stored** anywhere, and to the extent that the Examiner finds the database 60 in *Sattar et al.* to constitute such a storage, there is absolutely no indication in *Sattar et al.* that any such “customer specific data” is stored in database 60 **as a file**, as required by the claims. If the Examiner is considering the user input in *Sattar et al.* to be “stored” because the changes in branching sequences of the vectors is saved as a configured caller interface, it is respectfully urged that the Examiner’s rationale is faulty. First, while the new caller interface configurations (generated by user inputs) may be stored, the user inputs, *per se*, employed to generate these caller interface configurations are **not** saved. Second, to whatever extent there is a storage of anything at all in *Sattar et al.* relating to customer specific input data, any such “customer specific input data” used in forming the new caller interface configurations is **not** saved **as a file**, as claimed, and the Examiner has not shown that it is.

Based on the foregoing, a withdrawal, by the Appeal Brief Panel, of the rejection of claims 1-17, 19-22, 25-28, 30-33, 36 and 37 under 35 U.S.C. § 102(b) over *Sattar et al.* is respectfully requested.

### III. ISSUE TWO

Whether claims 1, 8, 15, 16, 21, 27, 32, 38, and 42 are anticipated under 35 U.S.C. § 102(e) by *Juster* (US 5,724,406)?

Initially, Applicants note that the reference to claims “38” and “42” in the rejection is presumed to be a typographical error since these claims were previously canceled.

Independent claims 1, 8, and 15 call for the creation of “**a customer application file** using a customer-specified sequence of said service-independent building blocks in a server of said telecommunications network” and a “**set of customer specific data**” defined for use as inputs into the set of service-independent building blocks.

The Examiner asserts that the “customer application file” and “a set of customer specific data” may be found in the abstract and at col. 5, lines 54-57, col. 7, lines 29-40, and col. 11, lines 5-15 of *Juster*. Applicants respectfully disagree.

Applicants have reviewed the *Juster* reference, particularly the sections cited by the Examiner, and while *Juster* does concern user-specified sequences of call processing building blocks (e.g., col. 5, lines 12-57), Applicants find nothing in *Juster* concerning a “customer application file” which can be retrieved for execution by a node on a server. Moreover, the claims require both a “customer application file” (created by using a customer-specified sequence of service-independent building blocks), and “a set of customer-specific data” (defined for use as inputs into the set of service-independent building blocks). The Examiner has not shown where *Juster* teaches **both** of these claimed features. As such, no *prima facie* case of anticipation has been established, and withdrawal of the rejection of claims 1, 8, and 15 under 35 U.S.C. § 102(e) over *Juster* by the pre-Appeal review panel is respectfully requested.

The Examiner's response to Applicants' arguments is that *Juster* "teaches a subscriber specific service parameters, or SSPs (which reads on the customer application file), and personal greetings and password (set of user data used as inputs for playing\_greeting and compare\_password primitives) for each user, and therefore, *Juster* teaches the claimed limitations" [sic] (Final Office Action of August 14, 2007-page 10).

*Juster* discloses the SSPs as including the structural description of all the subscriber-specific parameters which can vary from subscriber to subscriber. The actual SSP values for any particular subscriber are stored in the SSP field in each service file/record in the subscriber database (see col. 7, lines 29-37).

Assuming, *arguendo*, that the SSP for a particular subscriber in *Juster* may be considered **"a customer application file,"** this still does not explain how such a customer application file is created "using a customer-specified sequence of said service-independent building blocks in a server of said telecommunications network," as positively recited by claim 1, for example. The Examiner equates a "state table" in *Juster* to a "customer-specified sequence" (see page 8 of the Final Office Action of August 14, 2007), but does not indicate what, in *Juster*, is considered to be the claimed "service-independent building blocks." Since the claims require "creating a customer application file using a customer-specified sequence **of said service-independent building blocks** in a server of said telecommunications network, wherein a set of customer specific data is defined for use as inputs **into said set of service-independent building blocks,**" *Juster* cannot anticipate with such "service-independent building blocks."

Moreover, the claims require **a set of customer specific data defined for use as inputs** into said set of service-independent building blocks. Contrary to the Examiner's position, personal greetings and passwords do not constitute a set of customer specific data defined for use

as inputs into a set of service-independent building blocks. Personal greetings are clearly not a “set of customer specific data” and do not serve as inputs into any set of service-independent building blocks. A personal greeting may be recorded so as to be played back when a certain route is taken, but the personal greeting is not an input into anything that is configured in accordance with that input, such as the service-independent building blocks of the present claims.

Similarly, passwords are not a “set of customer specific data” and do not serve as inputs into any set of service-independent building blocks. A password merely grants a user access to the system but it, *per se*, is not an input into any set of service-independent building blocks, as claimed. The Examiner’s statement that “when a function (or subroutine or vector) calls a subject, the subject is sthe [sic, the] input to the function” (Advisory Action-page 2) is not easily understood, but to whatever extent there is truth to this statement, it has little bearing on the instant claimed subject matter. The claims call for “creating a customer application file using a customer-specified sequence **of said service-independent building blocks** in a server of said telecommunications network, wherein a set of customer specific data is defined for use as inputs **into said set of service-independent building blocks,**” and a “greeting” or “password” is simply **not** a set of customer specific data used as inputs **into said set of service-independent building blocks.** The “greeting” is not “a set of customer specific data” and a password, while used for gaining access to the system, is not used as an **input** to the **set of service-independent building blocks.**

Accordingly, *Juster* cannot anticipate claims 1, 8, 15, 16, 21, 27, and 32 and a withdrawal, by the Appeal Brief Panel, of the rejection of these claims under 35 U.S.C. § 102(e) is respectfully requested.




**IV. CONCLUSION**

For the foregoing reasons, the Appeal Brief Panel is respectfully requested to withdraw the rejection of the present application in light of these clear errors and allow the pending claims.

Respectfully Submitted,

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10/30/07  
Date

  
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